

**LAW OFFICES OF DALE K. GALIPO**

Dale K. Galipo (SBN 144074)  
dalekgalipo@yahoo.com  
Marcel F. Sincich (SBN 319508)  
msincich@galipolaw.com  
21800 Burbank Blvd., Suite 310  
Woodland Hills, CA 91367  
Phone: (818) 347-3333  
Fax: (818) 347-4118

*Attorneys for Plaintiff, CHRISTY MILES*

Kevin E. Gilbert, Esq. (SBN: 209236)  
kgilbert@ohhlegal.com

**ORBACH HUFF + HENDERSON LLP**

6200 Stoneridge Mall Road, Suite 225  
Pleasanton, CA 94588  
Telephone: (510) 999-7908/Facsimile: (510) 999-7918

*Attorneys for Defendant* COUNTY OF ALAMEDA, SMITH, MITCHELL,  
SABLAN, HERRERA, TEVES, and LORIER

LINDSEY M. ROMANO (SBN: 337600)  
ALLISON J. BECKER (PRO HAC VICE)  
**GORDON REES SCULLY MANSUKHANI, LLP**

275 Battery Street, Suite 2000  
San Francisco, CA 94111  
Telephone: (415) 986-5900  
Facsimile: (415) 986-8054  
lromano@grsm.com

*Attorneys for Defendant* CFMG, MARIA MAGAT, and CAROL STEVENSON

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

CHRISTY MILES,  
Plaintiff,

vs.

COUNTY OF ALAMEDA;  
CALIFORNIA FORENSIC MEDICAL  
GROUP, INC.; ALEXANDER SMITH;  
RACHEL MITCHELL; DANIEL  
SABLAN; DANIEL HERRERA;  
MICHAEL TEVES; MALIK  
JACKSON; DEVIN LORIER; TARA  
ROCKER; MARIA MAGAT; CAROL  
STEVENSON; ELIAS  
ABOUJAOUDE; TERESITA  
PONTEJOS-MURPHY; JENNIFER  
MCQUADE,

Defendants.

**Case No.: 3:22-cv-06707-WHO**

[Honorable William H. Orrick]

**JOINT CASE MANAGEMENT  
STATEMENT**

Complaint: 10/31/22

FAC: 12/29/22

SAC: 07/25/23

Further Case Management Conference:  
03/05/24 at 2:00 p.m.

Pursuant to this Court's September 12, 2023 Order (Doc. 71), the parties, Plaintiff Christy Miles ("Plaintiff"), and Defendants County of Alameda ("County"), Alexander Smith, Rachel Mitchell, Daniel Sablan, Daniel Herrera, Michael Teves, Devin Lorier, California Forensic Medical Group, Inc. ("CFMG"), Maria Magat, and Carol Stevenson (together called "Defendants") submit the following Joint Case Management Statement, by and through their respective counsel of record:

**1. JURISDICTION AND SERVICE:**

**A. Statement of Jurisdiction:**

This civil action is brought for alleged deprivations of the constitutional rights as protected by 42 U.S.C. §§1983, 1985, 1986, 1988, and the Eighth and Fourteenth Amendments of the United States Constitution. This Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1343(a)(3)-(4) because Plaintiff asserts claims arising under the laws of the United States and the United States Constitution. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. §1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

Plaintiff does not believe that there are any issues related to personal jurisdiction or venue.

**B. Statement of Service:**

Defendant County of Alameda, Smith, Mitchell, Sablan, Herrera, Teves, and Lorier have been served and have filed their Answer (Docs. 59, 78).

Defendants CFMG, Magat, MD, and Stevenson have been served and have filed their Answer (Docs. 58).

Defendant Tara Rocker and Malik Jackson were served and have not filed an Answer. County Defendants dispute that Jackson was properly served. Nevertheless, in spite of defective service, counsel for County Defendants will also

1 be representing Jackson and will be filing a responsive pleading on his behalf  
2 shortly.

3 Defendants Tara Rocker; Malik Jackson; Elias Aboujaoude; Teresita  
4 Pontejos-Murphy; and Jennifer Mcquade did not participate in the filing of this Case  
5 Management Statement as they have not appeared in the case.

## 6 **2. FACTS:**

### 7 **A. Parties:**

8 Plaintiff: Christy Miles (natural mother of Decedent Devin West).

9 Defendants: County of Alameda; California Forensic Medical Group,  
10 Inc.; Alexander Smith, Rachel Mitchell, Daniel Sablan, Daniel Herrera, Michael  
11 Teves, Devin Lorier; Malik Jackson; Tara Rocker; Maria Magat; Carol Stevenson;  
12 Elias Aboujaoude; Teresita Pontejos-Murphy; and Jennifer Mcquade.

### 13 **B. Brief Chronology of Facts:**

#### 14 *1. Plaintiff's Statement:*

15 This civil rights and state tort action arises from the vicious in-custody  
16 beating death of Decedent Devin West on November 15, 2021, by his cellmate, Emil  
17 Cochran ("Cochran"). Plaintiff contends that Defendants knew Cochran posed a  
18 substantial risk of harm to Decedent, knew that Cochran suffered from serious  
19 mental illness and had a history of violent conduct. Further, Defendants knew that  
20 Decedent was particularly vulnerable, knew that the thinly built Decedent had a  
21 serious mental illness, had bizarre behavior that was likely the catalyst for cellmates  
22 starting fights with him, continuously had to defend himself from each cellmate  
23 Defendants intentionally housed with him and requested a single cell due to his  
24 situation and condition. Additionally, Defendants knew that there was a substantial  
25 risk of harm given the known conditions of confinement including Defendants  
26 failure to conduct proper cell checks, inmates housed on lock down for twenty-two  
27 hours per day, which can cause further psychological harm and tension among  
28

1 cellmates, and that there was space to house Decedent in a single cell for his safety,  
2 care, and accommodation.

3 Plaintiff contends that Defendants were deliberately indifferent by failing to  
4 protect, care for, and accommodate Decedent when they chose to house Cochran in  
5 his cell, without adequate supervision and monitoring, giving Cochran the  
6 opportunity to murder Decedent, which he did while Defendant deputies were  
7 deliberately indifferent in their failure to monitor the cells. Further, Plaintiff  
8 contends that this is part of County of Alameda's long history of constitutional  
9 violations including conditions of confinement, inadequate mental health services,  
10 inadequate housing, and care of inmates with mental health needs, such as  
11 Decedent. For Santa Rita Jail has reportedly the highest death rate in any county.

12 Plaintiff brings the following claims for relief against Defendants: (1)  
13 Interference with Familial Relations; (2) Failure to Protect; (3) Denial of Medical  
14 Care; (4) Supervisor Liability; (5) Municipal Liability for Inadequate Training; (6)  
15 Municipal Liability for Unconstitutional Custom, Practice or Policy – all pursuant to  
16 42 U.S.C. §1983; (7) violation of the Americans with Disabilities Act; (8)  
17 Negligence; and (9) violation of the Bane Act.

18 *2. Defendants' Statement:*

19 Defendants deny Plaintiff's allegations and assert that their conduct was  
20 lawful, reasonable, and not in violation of Plaintiff or Decedent's rights. Defendants  
21 further dispute Plaintiff's characterization of the facts and also dispute Plaintiff's  
22 claimed damages. The incident was not foreseeable and appears to have been the  
23 result of sudden, unexpected and deliberate action by Decedent and Cochran, not  
24 deliberate indifference by Defendants or any of their employees. After discovering  
25 the incident between Decedent and Cochran, Defendants and their employees  
26 responded reasonably. Plaintiff also failed to exhaust her administrative remedies.  
27 Further, the individual Defendants are entitled to qualified immunity as their actions  
28

1 were objectively and subjective reasonable given the information known to them  
2 and the law as established at the time of the incident.

3 **C. Statement of the Principal Factual Issues in Dispute:**

4 *1. Plaintiff's Statement:*

5 Plaintiff believes that the principal factual issue in dispute is whether  
6 Defendants knew that Cochran posed a substantial risk of harm to Decedent and  
7 whether Defendants were deliberately indifferent to the protection, care, and  
8 accommodation of Decedent.

9 *2. Defendants' Statement:*

10 Plaintiff's claims raise at least the following factual issues: 1) the information  
11 actually known to individual defendants and whether as to each defendant such  
12 information objectively established a substantial risk of serious injury that defendant  
13 was subjectively deliberately indifferent to, 2) whether prior to the incident there  
14 was a specific threat of harm specifically directed at Decedent, 3) whether any  
15 action by Defendants "shocks the conscience," 4) identification by Plaintiff of the  
16 training, supervision, customs, practices, and/or policies that Plaintiff contends were  
17 deficient, the basis for that claim of deficiency, and an explanation of how any  
18 deficiency was deliberately indifferent to and caused the incident, 5) the nature and  
19 extent of Decedent's alleged mental health condition, including whether it would  
20 have necessarily prevented him from complying with jail rules and policies and  
21 required different accommodation, 6) what additional jail service, program or  
22 activity Decedent actually sought access to, and 7) whether Decedent reasonably  
23 made any request for accommodation or grievance prior to his death related any  
24 condition within the jail.

25 **3. LEGAL ISSUES:**

26 **A. Plaintiffs' Statement of Disputed Points of Law:**

27 The key legal issue in this case is whether Defendants were deliberately  
28 indifferent to the care and protection of Decedent Devin West. Other legal issues

1 include whether Defendants denied Decedent medical care; whether Defendants  
 2 interfered with Plaintiff's familial relationship; whether Defendant County  
 3 maintained an unconstitutional custom, practice or policy; whether  
 4 Defendant County failed to adequately train its officials; whether Defendants were  
 5 negligent in their actions and inactions; whether Defendants violated the Bane Act;  
 6 and whether Defendant County violated the Americans with Disabilities Act.

7 **B. Defendants' Statement of Disputed Points of Law:**

8 Plaintiff's claims raise at least the following legal issues: 1) whether Decedent  
 9 intentionally instigated the incident, 2) whether Defendants had actual knowledge of  
 10 an objectively substantial risk of serious injury to Decedent, 3) whether Defendants  
 11 had subjective knowledge of a substantial risk of serious injury to Decedent, 4)  
 12 whether Defendants were deliberately indifferent to that risk, 5) whether any action  
 13 by Defendants caused the incident, 6) whether any action by Defendants "shocks the  
 14 conscience" as necessary for Plaintiff's familial association claim, 7) whether  
 15 Decedent received adequate medical care, including whether Decedent displayed a  
 16 serious medical need and whether Defendants' response to any such need was  
 17 deliberately indifferent, 8) whether Defendants' training, supervision, customs,  
 18 practices, and/or policies were deliberately indifferent to a substantial risk of serious  
 19 injury to Decedent and caused the incident, 9) whether Decedent was a qualifying  
 20 individual with a disability under the Americans with Disabilities Act ("ADA"), 10)  
 21 whether Decedent made any request for accommodation or sustained any  
 22 compensable disability based damage under the ADA prior to his death, 11) whether  
 23 Decedent was excluded from any service, program or activity based upon any  
 24 disability, 12) whether any such exclusion was reasonable in a prison setting, 13)  
 25 whether a special relationship creating a duty to protect existed between Decedent  
 26 and/or Plaintiff and each individual defendant, 14) whether prior to the incident  
 27 there was a specific threat of harm specifically directed at Decedent, and 15)  
 28 whether any individual defendant through violence or threats of violence,

1 threatened, intimidated, or coerced Decedent with the particular purpose of  
2 depriving Decedent of his constitutional rights.

3 Defendants contend that additional issues for adjudication include 16)  
4 whether Plaintiff exhausted her administrative remedies, including under the Prison  
5 Litigation Reform Act (“PLRA”), 17) whether the individual Defendants are entitled  
6 to qualified immunity, and 18) whether all Defendants are immune to Plaintiff’s  
7 claims.

#### 8 **4. MOTIONS:**

##### 9 **A. Statement of Prior and Pending Motions:**

10 On December 8, 2022, Defendant County filed a motion to dismiss Plaintiff’s  
11 Complaint (Doc. 18.) During the briefing process, the parties met and conferred and  
12 on December 22, 2022, filed a stipulation for Plaintiff to file her First Amended  
13 Complaint (“FAC”) (Doc. 21.) Plaintiff filed her FAC on December 29, 2022 (Doc  
14 24.) Thereafter, on January 26, 2023, Defendant County filed its motion to dismiss  
15 Plaintiff’s FAC (Doc. 28.) On April 3, 2023, the Court issued its Order granting in  
16 part and denying in part County’s Motion to Dismiss and granted Plaintiff leave to  
17 amend (Doc. 42.). On July 25, 2023, Plaintiff filed her Second Amended Complaint  
18 (Doc. 49.) On September 5, 2023, Defendants CFMG, Magat, Stevenson and Yune  
19 filed their Answer. (Doc. 58.) On September 5, 2023, Defendant County filed its  
20 Answer. (Doc. 59.) On November 9, 2023, the individual County Defendants Smith,  
21 Mitchel, Gabriel, Solopow, Sablan, Herrera, Teves, Santiago, Lorier, and Galindo  
22 filed their Motion to Dismiss. (Doc. 72.) The Court granted in part and denied in  
23 part Defendants’ Motion to Dismiss. (Doc. 77.) There are no other pending motions.

##### 24 **B. Statement of Anticipated Motions:**

###### 25 *1. Plaintiff’s Statement:*

26 Plaintiff contends that there are several necessary documents that have not  
27 been produced to Plaintiff either according to Rule 26 or in response to Plaintiff’s  
28 requests for production. Plaintiff contends that Defendants agreed to release certain



1 documents with a Court Order to do so and that they would draft a proposed order  
2 for that purpose. This now appears to be in dispute. Nevertheless, this Court's prior  
3 Order instructed the parties to "meet and confer and submit an agreed upon  
4 proposed order/release to allow defendants to release information regarding the  
5 plaintiff's cell mate and other relevant inmates." (Doc. 71.) Plaintiff has requested  
6 several times a draft proposed order that defense counsel indicated they have used  
7 on prior occasion in order to confer on the issue; however, no draft has been sent.  
8 Thus, Plaintiff may be forced to initiate the Court's procedures for a Joint Letter  
9 Brief regarding a discovery dispute in order to receive all of the documents in this  
10 matter. Plaintiff also anticipates filing motions *in limine*.

11               2.       *Defendants' Statement:*

12               Defendants anticipate filing motions for summary judgment. Defendants  
13 believe an early dispositive motion addressed to whether Plaintiff exhausted her  
14 administrative remedies would streamline this action.

15               County Defendants dispute Plaintiff's characterization of County Defendants'  
16 statements regarding the private, confidential records, including medical records, of  
17 other inmates. During prior discussions, counsel for County Defendants simply  
18 indicated that County Defendants would agree to the entry of a Stipulated Protective  
19 Order, which would govern the production of documents in this action. Counsel for  
20 County Defendants also agreed to inquire as to whether they could voluntarily  
21 disclose the requested information, but later confirmed, and conveyed to Plaintiff's  
22 counsel, that counsel for County Defendants cannot produce any inmate's records  
23 without their consent or a Court order, particularly where the records include  
24 significant medical and other confidential information. County Defendants cannot  
25 voluntarily produce these records.

26               CFMG Defendants have also informed Plaintiff's counsel that they are unable  
27 to produce records of other patients without the patient's consent or a Court Order.  
28



1           Additionally, as counsel for County Defendants has conveyed to Plaintiff's  
2 counsel, Decedent's cellmate, Emil Cochran, who is accused of killing Decedent, is  
3 currently pending trial on the related criminal charges and it is understood there is a  
4 concern regarding his competence. This further implicates the requested records  
5 and County Defendants believe a stay of the case is necessary as a result. Cochran  
6 is a key witness but counsel will likely be unable to depose him until his criminal  
7 proceedings have concluded.

8 **5. AMENDMENT OF PLEADINGS:**

9           Plaintiff does not anticipate any further amendment to the pleadings at this  
10 time. However, given that there are records and videos that have not been produced  
11 to Plaintiff, Plaintiff has not had the opportunity to fully review the discovery and  
12 identify whether the pleadings need to be amended.

13           County Defendants dispute Plaintiff's contention here. County Defendants  
14 have produced anything and everything which County Defendants are required to  
15 produce. Plaintiff has had all relevant and discoverable information for a significant  
16 period of time, including before Plaintiff filed her operative Second Amended  
17 Complaint, and the time to amend has long since passed. County Defendants will  
18 oppose any further attempt to amend the complaint.

19 **6. EVIDENCE PRESERVATION:**

20           The Parties certify that counsel have reviewed the Guidelines Relating to the  
21 Discovery of Electronically Stored Information ("ESI Guidelines") and confirm that  
22 the Parties have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding  
23 reasonable and proportionate steps to preserve evidence relevant to the issues  
24 reasonably evident in this action.

25 **7. DISCLOSURES:**

26           The parties exchanged Initial Disclosures on September 11, 2023.

27  
28 ///

1 **8. DISCOVERY:**

2 **A. Discovery Taken to Date:**

3 The parties are currently engaged in written discovery.

4 **B. Scope of Anticipated Discovery:**

5 *1. Plaintiff's Statement:*

6 Plaintiff anticipates conducting discovery regarding the facts and  
7 circumstances of the incident that forms the basis of this lawsuit related to Plaintiff's  
8 claims as set forth above, to include information related to Decedent, information  
9 related to Cochran, information related to the beating death of Decedent by Cochran,  
10 information related to the individual Defendants' training and policies. Plaintiff will  
11 also conduct discovery related to her individual damages, Decedent's survival  
12 damages, and punitive damages. Plaintiff has propounded written discovery and will  
13 continue to conduct discovery through written requests for admission, requests for  
14 production, interrogatories, and subpoenas as necessary. Plaintiff has also noticed  
15 the depositions of several defendants and are in the process of confirming their dates  
16 of availability.

17 *2. Defendants' Statement:*

18 Defendants anticipate proceeding with the depositions of percipient witnesses  
19 concerning the facts of this incident, and of the plaintiff and other damages  
20 witnesses. Defendants further anticipate serving written interrogatories, requests for  
21 admission and request for production of documents on the issues of liability as well  
22 as the claimed damages. County Defendants, including the County and Teves,  
23 served their first sets of written interrogatories, requests for admission, and requests  
24 for production of documents on Plaintiff, on February 26, 2024.

25 **C. Issues with Privilege or Protection:**

26 On April 26, 2023, a protective order was issued by the Court which  
27 addressed the production of materials which are otherwise privileged or  
28 confidential. The parties previously anticipated a dispute regarding the production of

1 two discrete categories of records, including 1) records of non-parties subject to  
2 HIPAA (i.e. the medical and psychiatric records of inmates, which contain  
3 confidential healthcare and medical information), and 2) records of official law  
4 enforcement officers, which are deemed confidential under state law. As to the first  
5 category of documents (medical and psychiatric records of other inmates), the  
6 parties request the Court issue an order authorizing Defendants to disclose any such  
7 records which are relevant to the current litigation without the written consent of the  
8 patient, with all such records to be produced under the previously entered protective  
9 order.

10 As discussed above, Defendants cannot voluntarily agree to produce the  
11 private, confidential records of inmates without their consent or a Court order.

12 Also, as discussed above, the individual accused of killing Decedent, Emil  
13 Cochran, is currently pending trial on the related criminal charges and it is  
14 understood there is a concern regarding his competence. This further implicates the  
15 requested records and Defendants believe a stay of the case is necessary as a result.  
16 Cochran is a key witness but counsel will likely be unable to depose him until his  
17 criminal proceedings have concluded.

18 **D. Changes to the Limitations on Discovery:**

19 The parties do not anticipate any other changes to the limitations on discovery  
20 imposed under the Federal Rules or by Local Rules.

21 **E. Proposed Discovery Plan:**

22 Plaintiff proposes that discovery be conducted in two phases: (i) fact  
23 discovery, and (ii) expert discovery. Currently, the fact discovery cut off is set for  
24 April 8, 2024. Given that all the necessary documents in this matter have not been  
25 produced and that no depositions have been taken, Plaintiff believes it may be  
26 necessary to continue the Pretrial Schedule dates by a few months.

Defendants are amenable to a brief continuance of the case schedule. However, contrary to Plaintiff's repeated and inaccurate contention, any and all relevant, discoverable documents and other materials were produced months ago.

**F. Identified Discovery Disputes:**

The parties have discovery disputes relating to the issues of privileged or protected information, as stated above. Further, Plaintiff and County has discovery disputes relating to Defendant County's production of documents and responses to interrogatories. Plaintiff's counsel hopes to be able to meet and confer this week with defense counsel to find a resolution to these issues.

Counsel for County Defendants is unclear on the "disputes" to which Plaintiff's counsel is referring. County Defendants have produced any and all relevant, discoverable documents and other materials and did so months ago, before Plaintiff ever filed her operative SAC. Nevertheless, counsel for County Defendants will meet and confer with Plaintiff's counsel.

**9. RELATED CASES:**

There are no related cases or proceedings pending before another judge of this court, or before another court or administrative body.

Defendants contend that the criminal prosecution of Emil Cochran, who is accused of killing Decedent in the incident underlying this action, is related to this matter and dictates that this matter be stayed pending the conclusion of the criminal action. Cochran is a key witness and counsel will almost certainly be precluded from obtaining Cochran's sworn testimony until the criminal action has concluded.

**10. RELIEF:**

**A. Plaintiff's Statement of Relief Sought:**

Plaintiff seeks compensatory damages according to proof at trial under federal and state law for her individual damages suffered as a result of lifelong loss of her son, and compensatory damages according to proof at trial under federal and state law for the predeath pain and suffering, loss of life, and loss of opportunity and

1 enjoyment of life suffered by Decedent. Plaintiff also seeks punitive and exemplary  
2 damages against the individual Defendant officials, statutory attorneys' fees, costs,  
3 and interests incurred.

4 A realistic range of damages which could be awarded by a jury is in excess of  
5 \$3,000,000.

6 **B. Defendants Contention on Damages Calculation:**

7 Defendants deny all liability and wrongdoing for any and all of Plaintiff's  
8 claims.

9 **11. INSURANCE:**

10 County of Alameda: The County of Alameda is self-insured.

11 CFMG: CMFG has a self-insured limit and excess insurance.

12 **12. STATEMENT AND ADR:**

13 **A. Possibility of Prompt Settlement:**

14 *1. Plaintiff's Statement:*

15 Given the expense of discovery, especially expert discovery in this matter,  
16 Plaintiff is open to early resolution. The parties have not had any discussions related  
17 to settlement at this time.

18 *2. Defendants' Statement:*

19 Given Plaintiff's position that her "realistic" damages exceed \$3,000,000, the  
20 possibility of a prompt settlement appears non-existent to County Defendants.

21 CFMG Defendants believe the parties have all information they need to  
22 discuss resolution and intend to comply with the Court's current mediation deadline  
23 of June 10, 2024.

24 **B. ADR Plan and Compliance with Local Rule 3-5:**

25 The Court has Ordered private mediation be completed by June 10, 2024.  
26 (Doc. 71.)

27  
28 ///

**C. Description of Necessary Procedures to Position the Parties to Negotiate Resolution:**

*1. Plaintiff's Statement:*

Plaintiff contends that there are no further procedures impeding the parties' ability to negotiate a resolution. The Court has already ruled on Defendants' motions to dismiss, including with regard to the exhaustion of administrative remedies. Defendants also have in their possession all of the investigatory documents related to this incident, some of which Plaintiff's believes have not been produced to Plaintiff.

*2. Defendants' Statement:*

County Defendants do not believe any additional procedures would position the parties to negotiate resolution. The problem is that the parties are simply too far apart, particularly where Plaintiff believes her "realistic" damages exceed \$3,000,000.

CFMG Defendants do not believe any further procedures are necessary to position the parties to discuss resolution.

**13. OTHER REFERENCES:**

The Parties do not believe this case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation at this time.

**14. NARROWING OF ISSUES:**

Given the present discovery disputes, Plaintiff believes it is premature to make any suggestions related to expedition of evidence at trial or to make any request to bifurcate.

Defendants contend that whether the issues can be further narrowed will depend on the depositions and discovery that will take place over the coming weeks.

///

**15. EXPEDITED TRIAL PROCEDURE:**

The Parties do not believe this case is appropriate for Expedited Trial Procedures.

**16. SCHEDULING:**

The Parties propose the following modification to the schedule of dates:

<u>Event</u>	<u>Current Deadlines</u> <u>(Doc. 71)</u>	<u>Parties' Proposed</u> <u>Dates</u>
ADR Cut-Off	June 10, 2024	June 10, 2024
Fact Discovery Cut-Off	April 8, 2024	July 8, 2024
Initial Expert Disclosures	April 29, 2024	July 29, 2024
Rebuttal Expert Disclosures	May 20, 2024	August 19, 2024
Expert Discovery Cut-Off	June 10, 2024	September 9, 2024
Hearing of Dispositive Motions	September 4, 2024	December 9, 2024
Pretrial Conference (at 2:00 p.m.)	November 4, 2024	February 3, 2025
Trial	December 2, 2024	March or April 2025

Defendants are amenable to a brief continuance of the case schedule, as set forth above. Defendants are amenable to a March 2025 or April 2025 trial date.

**17. TRIAL:**

The Parties have discussed trial estimates. Plaintiff believes that trial will take 5-7 days and Defendants believe that trial will take 4-5 days, not including *voir dire*, opening statements, closing arguments, and time reasonably anticipated that will be spent on discussions regarding jury instructions and verdict forms outside the presence of the jury. Pursuant to the Federal Rule of Civil Procedure, all Parties demand a trial by jury.

///



1 **18. DISCLOSURES OF NON-PARTY INTERESTED ENTITIES OR**  
2 **PERSONS:**

3 The Parties have filed their respective Certificate of Interested Entities or  
4 Persons.

5 Per Plaintiff: Pursuant to Civil L.R. 3-15, the undersigned certifies that as of  
6 this date, there is no conflict or interest (other than the named parties) to report.

7 Per Defendants: The County Defendants are a public entity and its employees.  
8 Pursuant to Civil L.R. 3-15, no disclosure is required.

9  
10 **19. PROFESSIONAL CONDUCT:**

11 All attorneys of record for the Parties have reviewed the Guidelines for  
12 Professional Conduct of the Northern District of California.

13  
14 Respectfully submitted,

15 DATED: February 27, 2024 **LAW OFFICES OF DALE K. GALIPO**

16 /s/ Marcel F. Sincich

17 Dale K. Galipo  
18 Marcel F. Sincich  
Attorneys for Plaintiff CHRISTY MILES

19 DATED: February 27, 2024 **ORBACH HUFF & HENDERSON LLP**

20 /s/ Kevin E. Gilbert

21 Kevin E. Gilbert  
22 Attorneys for Defendant  
COUNTY OF ALAMEDA

23 DATED: February 27, 2024 **GORDON REES SCULLY MANSUKHANI, LLP**

24 /s/ Lindsey M. Romano

25 LINDSEY M. ROMANO  
26 ALLISON J. BECKER  
27 Attorneys for Defendant  
28 CALIFORNIA FORENSIC MEDICAL  
GROUP, INC.